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15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE NORTHERN MARIANA ISLANDS

17 MOHAMMAD KAMAL HOSSAIN,

CIVIL CASE NO. 08-0016

18 Plaintiff,

19 v.

20 COMMONWEALTH OF THE NORTHERN  
21 MARIANA ISLANDS, and MATTHEW  
22 GREGORY, in his official capacity as  
Attorney General of the Commonwealth of the  
Northern Mariana Islands, and UNITED  
23 STATES OF AMERICA,

**MOTION TO DISMISS OF DEFENDANT  
UNITED STATES OF AMERICA;  
NOTICE OF HEARING**

24 Defendants.  
  
**Date: October 16, 2008**

**Time: \_\_\_\_\_ a.m.**

1 PLEASE TAKE NOTICE that on October 16, 2008, or as soon thereafter as the matter  
2 may be heard in Courtroom of the Hon. Alex R. Munson, Chief Judge of the above-entitled  
3 Court, located at 2nd Floor, Horiguchi Building, Garapan, Saipan, MP, 96950 USA, Defendants,  
4 through their undersigned counsel, hereby respectfully move this Court to dismiss the Complaint  
5 for Declaratory, Injunctive, Compensatory and Further Relief filed by Plaintiff in accordance  
6 with Fed. R. Civ. P. 12(b)(6) on failure to state a claim upon which relief can be granted. In  
7 support of this Motion, the Court is respectfully referred to the accompanying Memorandum of  
8 Points and Authorities filed herewith, the pleadings, records and papers filed herein, and such  
9 other and further oral and documentary evidence and legal memoranda that may be presented.

10 RESPECTFULLY SUBMITTED: this 17<sup>th</sup> day of September, 2008.

11 LEONARDO M. RAPADAS  
United States Attorney  
12 Districts of Guam and NMI

13 By: /s/ Jessica F. Cruz  
JESSICA F. CRUZ  
14 Assistant U. S. Attorney  
MIKEL W. SCHWAB  
15 Assistant U.S. Attorney

16  
17 U.S. Department of Justice

18 By: /s/ Samuel P. Go  
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